

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

TOBBUSHA DURANT PRATT,	)	Case No.: 1:21-cv-01608 JLT SKO
	)	
Plaintiff,	)	ORDER ADOPTING FINDINGS AND
	)	RECOMMENDATION AND DISMISSING
v.	)	ACTION WITHOUT PREJUDICE
	)	
HERLINDA YANDEZ, et al ,	)	(Doc. 7)
	)	
Defendant.	)	
	)	
	)	

Tobbusha Durant Pratt, a prisoner proceeding *pro se*, initiated this action by filing a complaint and “Fee Waiver Request” on November 4, 2021. (Docs. 1, 2.) On November 8, 2021, the assigned magistrate judge found the “Fee Waiver Request” did not comply with the specific informational requirements for affidavits submitted pursuant to 28 U.S.C. § 1915(a)(1) and directed Plaintiff to either pay the \$402 filing fee or file an application to proceed *in forma pauperis* within thirty days from the date of service of the Court’s order. (Doc. 3.) On December 22, 2021, after Plaintiff failed to pay the filing fee or file an IFP application, the magistrate judge issued an order to show cause why the action should not be dismissed for his failure to comply with the Court’s order and failure to prosecute this action. (Doc. 4.)

When served at Plaintiff’s address of record, the order was returned as undeliverable on January 4, 2022. Thereafter, the assigned magistrate judge found Plaintiff also failed to comply with Local Rule 183(b), which requires parties “appearing in propria persona [to] keep the Court and

1 opposing parties advised as to his or her current address,” and to notify the Court of an address change  
2 within 63 days. (*See* Doc. 17 at 2-3; Local Rule 183(b).) Thus, the magistrate judge recommended  
3 the action be dismissed without prejudice on March 15, 2022. (*Id.* at 2.) The Court granted Plaintiff  
4 21 days to file objections to the Findings and Recommendations. (Doc. 7 at 2.) However, the  
5 Findings and Recommendations were also returned to the Court with the notation “Undeliverable,  
6 RTS, Inmate Not Here.” To date, Plaintiff has not informed the Court of a proper address or taken any  
7 other action to prosecute the action.

8 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of the case.  
9 Having carefully reviewed the entire file, the Court concludes the Findings and Recommendation are  
10 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 11 1. The Findings and Recommendation dated March 15, 2022 (Doc. 7), are **ADOPTED**.
- 12 2. This action is **DISMISSED** without prejudice.
- 13 3. The Clerk of Court is directed to close this case.

14  
15 IT IS SO ORDERED.

16 Dated: **April 19, 2022**

  
UNITED STATES DISTRICT JUDGE